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10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 CENTER FOR BIOLOGICAL DIVERSITY
15 and SIERRA CLUB,

16 Plaintiffs,

17 v.

18 ANDREW R. WHEELER, in his official
19 capacity as Administrator, United States
20 Environmental Protection Agency,

21 Defendant.

Case No. 3:19-cv-02462 RS

22 **STIPULATION AND ORDER TO**
23 **ENLARGE DEFENDANT'S TIME**
24 **TO ANSWER AND CONTINUE**
25 **CASE MANAGEMENT**
26 **CONFERENCE**

1 Plaintiffs Center for Biological Diversity and Sierra Club (collectively, “Plaintiffs”) and
2 Defendant Andrew R. Wheeler, in his official capacity as the Administrator of the United States
3 Environmental Protection Agency (“Defendant,” and together with Plaintiffs, the “Parties”)
4 stipulate as follows:

5 WHEREAS, on May 7, 2019, Plaintiffs initiated this action by filing a Complaint for
6 Declaratory and Injunctive Relief, ECF No. 1;

7 WHEREAS, on May 16, 2019, Plaintiffs served the Summons and Complaint in this matter
8 on U.S. Attorney David L. Anderson;

9 WHEREAS, pursuant to Rule 12(a)(2), Defendant must serve an answer to the Complaint
10 within 60 days after service on the United States attorney, or July 15, 2019;

11 WHEREAS, the Court’s Order Setting Initial Case Management Conference and ADR
12 Deadlines (“Scheduling Order”) set the Initial Case Management Conference in this matter for
13 August 8, 2019, at 10:00 a.m., and other associated deadlines, ECF No. 10;

14 WHEREAS, the Parties met and conferred on ADR and scheduling on June 28, 2019;

15 WHEREAS, the Parties have agreed to enlarge Defendant’s time to answer the Complaint
16 and to request a continuance of the deadlines in the Scheduling Order to allow the Parties to assess
17 whether to engage in settlement discussions, and—if so—to engage in such discussions;

18 WHEREAS, the Parties have not previously requested any time modifications in this case;

19 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among
20 the Parties:

21 1. Defendant shall answer the Complaint by August 29, 2019.

22 2. The Initial Case Management Conference shall be continued to Thursday,
23 September 12, at 10:00 a.m., or at such later date that is convenient for the Court, to give the Parties
24 a chance to assess the potential for and possibly begin settlement negotiations without involving
25 the resources of the Court.

26 3. The Parties’ ADR certifications shall be filed no later than twenty-one days in
27 advance of the Initial Case Management Conference.
28

1 4. The Parties' Rule 26(f) Report and Joint Case Management Statement shall be filed
2 no later than seven days in advance of the Initial Case Management Conference.

3 5. The Parties' initial disclosures or objections in their Rule 26(f) Report shall be filed
4 no later than seven days in advance of the Initial Case Management Conference.

5 Date: July 8, 2019

Respectfully submitted,

6 /s/ Seth L. Johnson

7 Seth L. Johnson (pro hac vice)
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Attorney for Plaintiffs

13 Date: July 8, 2019

Respectfully submitted,

14 /s/ Brandon N. Adkins

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22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 DATED: 7/10/19

25 

26 RICHARD SEEBORG
27 United States District Judge
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